

**REMARKS/ARGUMENTS**

The Examiner's attention to the present application is noted with appreciation.

In paragraphs 13 and 14 of the Office Action dated April 21, 2004, the Examiner stated that claims 8, 44 and 45 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. This has been done. Claims 7, 8, 16-30, and 44-46 have been canceled. Claim 1 now includes the subject matter of prior claims 1, 7 and 8. Claim 51 includes the subject matter of prior claims 1, 7, and 44. Claim 81 includes the subject matter of prior claims 1, 7 and 45. The dependent claims in each set are identical.

In paragraph 1 of the Office Action, the Examiner objected to the drawings under 37 C.F.R. §1.83(a) because the tapered holder, balls and beads must be shown. These elements are all shown and described in this or the provisional application which is incorporated herein by reference (attached). Support for these elements is set forth in the specification on page 3, lines 16-17, which state: "The accessory may have a closing member for the holding element that may comprise a tapered holder, balls, beads, or covers." Likewise, the specification, page 7, lines 18-20, states: "Other embodiments may include other closing mechanisms **40**, including but not limited to beads or balls **42** disposed within base **44**..." No new matter has been added.

Regarding the taper closing member, claims 1 through 50, the support is found in the provisional application on page 2, second paragraph which reads "...or the tube may be narrowed...to prevent light stick from falling through." Support for the taper is also found in the original specification on page 7, lines 15-18 as follows. "For example, when holding element **14** is configured for receipt of stick configuration **22** of chemiluminescent element **20**, the bottom of holding element **14** may be narrowed to serve as closing mechanism **40**, preventing chemiluminescent element **20** from sliding through and falling out of holding element **14**." As can be seen the specification clearly supports a taper or a narrowing as the closing mechanism. Fig. 2 has been corrected through red-line and replacement sheet (attached) to depict the tapered closing mechanism **40**. This taper is shown in and corresponds to Fig. G of the provisional application (see attached). Accordingly, the drawings also support the taper.

The ball closing member, corresponding to new claims 51 through 80, the provisional application provides support on page 2, paragraph 2 which reads "a bead, ball or cover may be disposed at the bottom or end of the tube...", and to Figs. 7 and 15 which clearly shows a ball on the base of the pendant. Amended Fig. 2 shows ball **42** and is supported in the original specification, again on page 7 lines 18-20, "Other embodiments may include other closing mechanisms **40**, including but not limited to beads or balls **42** disposed within base **44** of holding element **14** or cover **46** disposed over end **48** of base **44**." All of the above-mentioned changes were based on both the provisional application and the original specification, and are used to better describe Applicant's invention. Therefore, no new material has been added

New claims 81 through 110 disclose the bead as a closing member. The bead is disclosed in the provisional application at page 2, "A bead, ball or cover may be disposed at the bottom or end of the tube..." The original specification also identifies a bead or a ball shown on page 7, lines 18-20, which reads "Other embodiments may include other closing mechanisms **40**, including but not limited to beads or balls **42** ..." Bead **42** is shown in Figs. 1a and 1b and was originally presented in these figures. Bead **42** in Figs. 1a and 1b corresponds to Fig. 2 of the provisional application which states "metal bead". Reference numeral **42** has been provided for the bead on amended Figs. 1a and 1b.

Other drawing changes which are represented in the attached replacement sheet, include the deletion of a dotted line in Fig. 1a which had no reference number and no identification within the specification; addition of reference numeral **26** for twist as described in the specification which was inadvertently left out; and correction of the reference numerals for cutouts **30** and apertures between cutouts **32**. Twist **26**, cutouts **30** and apertures are seen in the original specification on page 6 lines 13-15, "Preferably, holding element **14** comprising a configuration such as a twisted or coiled material leaving spaces **24** between twists **26** or coils **28** of the material, or a material utilizing cutouts **30** (see Fig. 2) leaving apertures **32** within the material allowing direct observation of the chemiluminescent element **20**." Further reference to twists **26**, cutouts **30**, and apertures **32** is found on page 7, lines 9-11 which reads "Holding element **14** comprising a configuration such as a twisted or coiled material leaving spaces **24**

between twists **26** or coils **28** of the material, or a material utilizing cutouts **30** (see Fig. 2) leaving apertures **32** within the material allowing direct observation of the chemiluminescent element **20**."

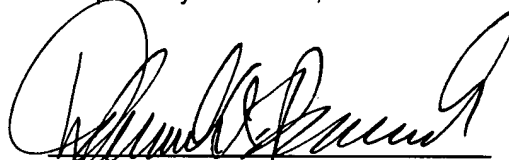
It is respectfully submitted that all grounds of rejection and objection have been avoided and/or traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned attorney for Applicant at the telephone number listed below.

A check for additional claim fees is attached. Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213. A duplicate of this paper is enclosed for accounting purposes.

Respectfully submitted,

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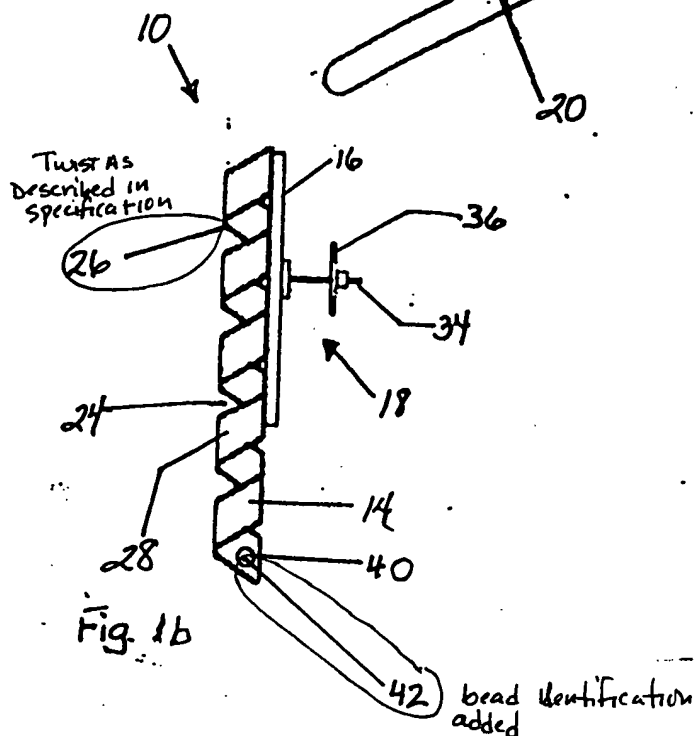
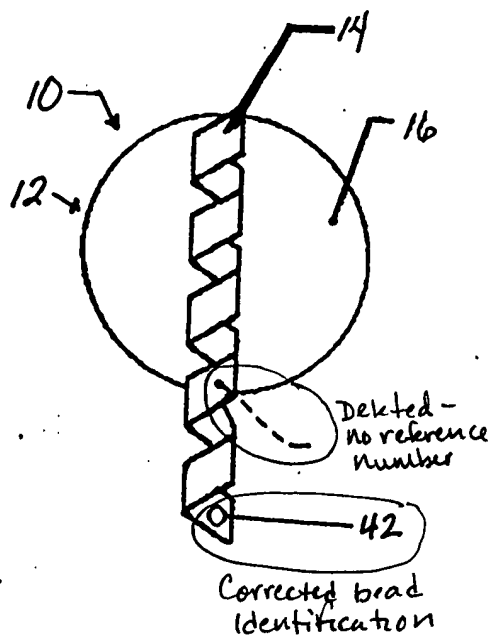
Telephone: (505) 998-1500  
Facsimile: (505) 243-2542

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Fig. 1a



Closing Mechanism  
with taper as  
described in  
Specification

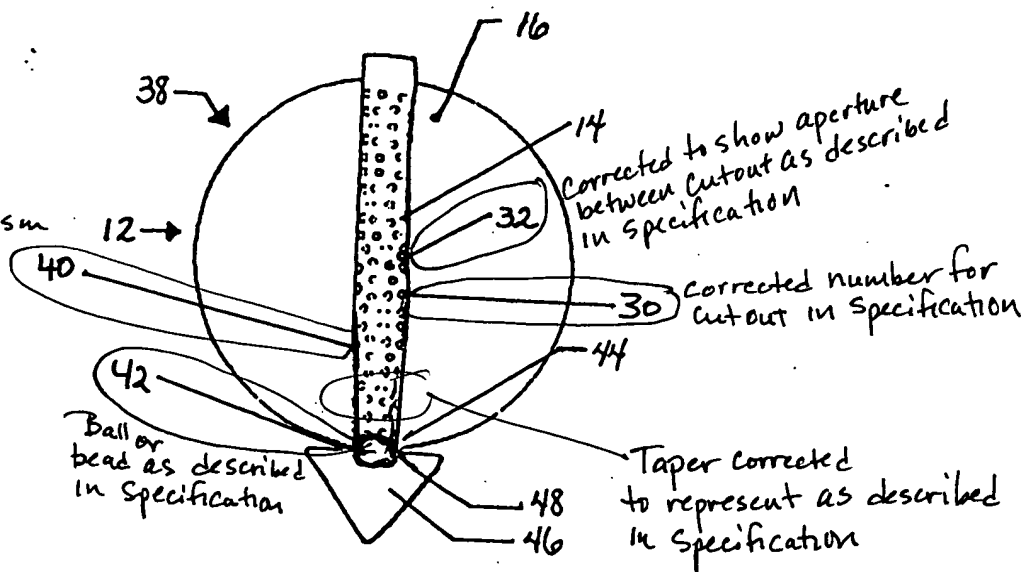


Fig. 2



## PROVISIONAL PATENT APPLICATION

### LIGHTED JEWELRY

The present invention is directed to jewelry that is lighted, preferably through chemo-luminescent sticks or elements. The lighting element is incorporated into the jewelry, when worn. The lighting element is seen directly or used as a back lighting effect.

The chemo-luminescent elements are activated by the user (usually by bending to break a seal, allowing the chemicals to combine and create the luminescence) and then placed in the jewelry. A typical chemo-luminescent element generally lasts 2-8 hours or more. When the luminescence is gone, the chemo-luminescent element needs to be replaced. Chemo-luminescent elements are typically manufactured in small sticks, but other shapes may be utilized in accordance with the invention (e.g. disks, spheres, etc.). Chemo-luminescent light sticks often come in red, green, orange and yellow colors, although other colors may be utilized in accordance with the present invention.

Embodiments of chemo-luminescent jewelry are shown in Figs. 1-4 (earring design), Figs. 5-8 (pendant design), Figs. 9-12 (pendant design), Figs. 13-16 (brooch design), Figs. 17-20 (brooch design), Figs. 21-24 (brooch design), Figs. 25-28 (pendant design), Figs. 29-32 (pendant design), purse (Figs. 33-35) and photographic Figures A-Q. As shown therein, the jewelry comprises a reflective setting or backing and a tube or opening to contain the chemo-luminescent stick.

Figs. 2 and 3 show the earring backing (for pierced ears, although any type of earring attachment may be utilized (clips, posts, wires, hoops, etc.)). Figs. 5-32, show this tube used in a pendant or brooch design rather than earrings. Figs. 33-35 show the chemo-luminescent element used in a purse design. Figs. 6-7, 10-11, 25-28 and 29-32 show a ring bail to hang the pendant. Figs. 14-15, 18-20, and 22-24 show a pin assembly attachment. Other jewelry attachments may be utilized in accordance with the present invention.

The reflecting setting may be of any metal, ferrous or non-ferrous, ceramic or plastic material. Preferably it is highly polished or reflective to act as a reflector for the light from the

## PROVISIONAL PATENT APPLICATION

chemo-luminescent stick. The reflector/setting may be of any shape (either flat or three-dimensional). The reflector/ setting may have a smooth or textured finish (e.g. hammered, ribbed, paneled, etc.) to provide for different light effects.

The coiled or spiraled hollow tube has some spacing between coils. In an alternative embodiment, the tube has punched out holes or shapes (see Figs. 5-8 for a pendant design and Figs. 13-16 for a brooch design). The tube holds the chemo-luminescent light stick. The spaces or cut outs in the tube allow the light from the activated chemo-luminescent stick to shine through directly and shine back from the reflective setting. A bead, ball or cover may be disposed at the bottom or end of the tube or the tube may be narrowed, rolled or covered, to prevent the light stick from falling through. The tubes may be rigid or flexible (e.g. for belt links and hatbands).

Figs. 4, 8, 12, 16, 20 and 24 show the chemo-luminescent stick being inserted into the tube, after activation. For smaller jewelry, a 1.5 inch chemo-luminescent light stick may be utilized. Larger size jewelry may hold multiple light sticks or use longer light sticks (e.g. 3 inches long).

Figs. 9-12 show an alternative embodiment wherein the tube that holds the chemo-luminescent light stick is open at the front to receive a gem stone or other article and the back of the tube by the reflector setting is open for allowing the light from the activated light stick to illuminate the gemstone or other article and reflect off the back setting/reflector. The gemstone may be of any shape and may be natural or artificial. It may be of any color. The gemstone may be transparent or translucent, smooth or faceted, to produce different effects.

Figs. 9-12, Figs. 17-20, Figs. 21-24, and Figs. 25-28 all show use of the chemo-luminescent stick as backlighting; the chemo-luminescent stick is not directly seen. In Figs. 9-12, the light may show through the gemstone or be used at the back of the tube for reflective light. Figs. 17-20 show the use of a translucent stone (which may be of any color and shape and may be natural or artificial). Figs. 21-24 show the use of a translucent gemstone (which may be

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of any color and shape and may be natural or artificial). Figs. 25-28 show a combination of a translucent element and a clear stone. The invention is not limited to use of "stones" or "gems" but may be any article or element that allows the light to shine through or be enhanced by backlighting or illumination.

In Figs. 17-20, the stick is inserted between the backing and the translucent or transparent front article (e.g. stone). Fig. 18 shows a support post for the pin assembly, which further serves as a stop for the light stick. The cut outs may be fixed or mobile, depending on the jewelry design.

Figs. 17-20, 25-28 and 21-24 show the light stick being inserted top to bottom, but the light stick could also be inserted from side to side.

Yet another embodiment is shown in Figs. 29-32. As shown therein, a silhouette is mounted at the front opening of the pendant. The silhouette may be a figure, a shape, and the like, with or without cutouts. The light stick causes illumination of the setting/reflector giving a more dramatic effect to the silhouette.

Although the above figures have shown earrings, pendants and brooches, the term "jewelry" as used in the present invention is intended to include other jewelry or ornamentation, such as rings, belt buckles, bolos, belt links, money holders, pins, hair barrettes and accessories, purses, hand mirrors, cosmetics cases (e.g. compacts), hat bands, shoe accessories, personal accessories, etc.

Figs. 33-35 show the use of a chemo-luminescent light stick in a purse wherein the light stick is placed into the top frame of the purse. In this case, the larger light sticks (e.g. 6 1/8 inches) may be utilized. The purse frame holds the light sticks. Cut outs in the purse frame allow the light to shine through. The purse frame may allow direct light to shine through or may allow the light to shine through a translucent or transparent element.

## PROVISIONAL PATENT APPLICATION

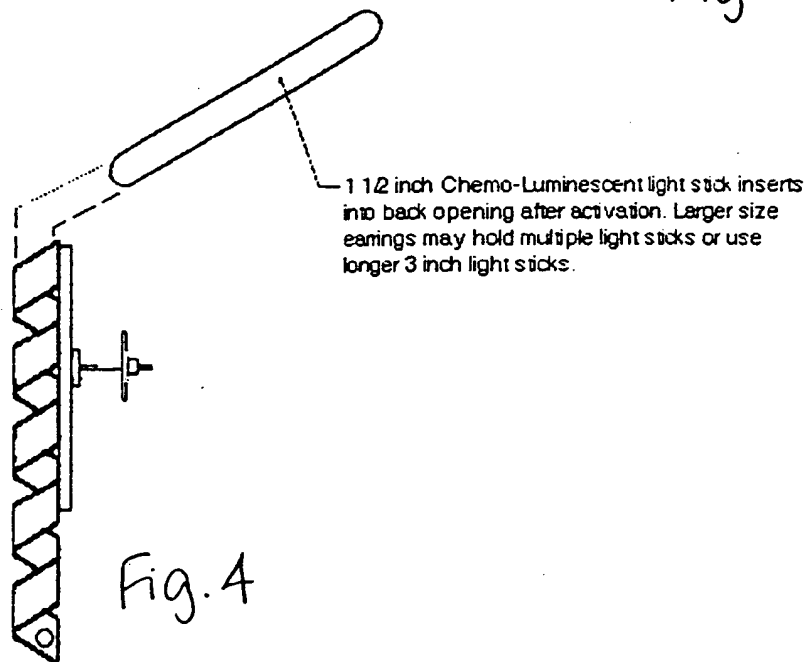
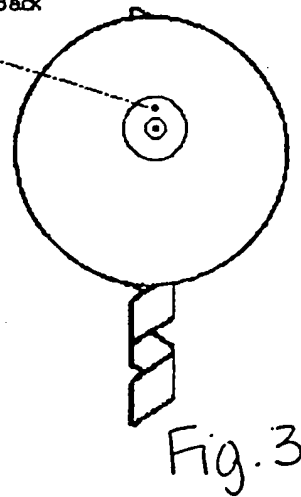
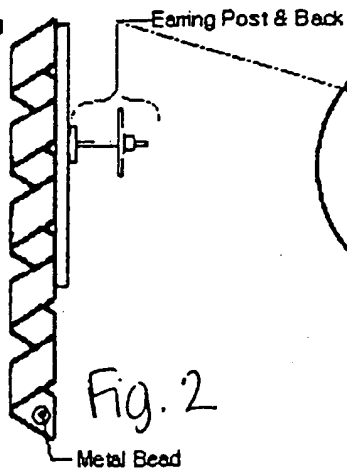
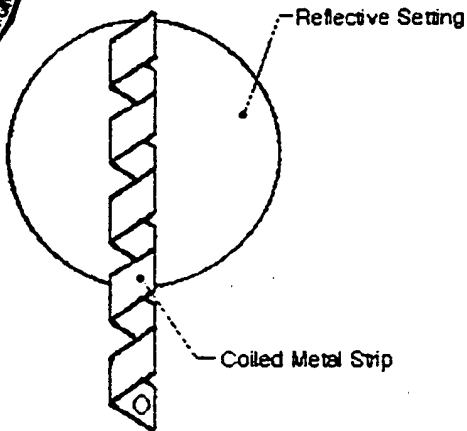
Although the invention has been described in detail with particular reference to these preferred embodiments, other embodiments can achieve the same results. Variations and modifications of the present invention will be obvious to those skilled in the art and it is intended to cover in the appended claims all such modifications and equivalents. The entire disclosures of all references, applications, patents, and publications cited above, and of the corresponding application(s), are hereby incorporated by reference.

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Fig. 1



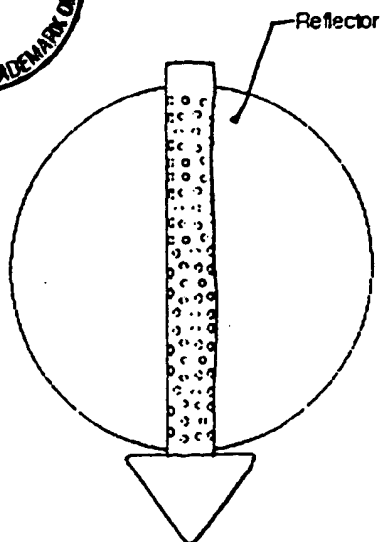


Fig. 5

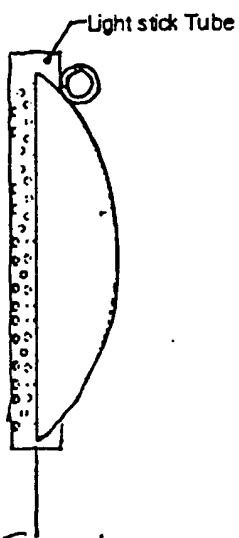


Fig. 6

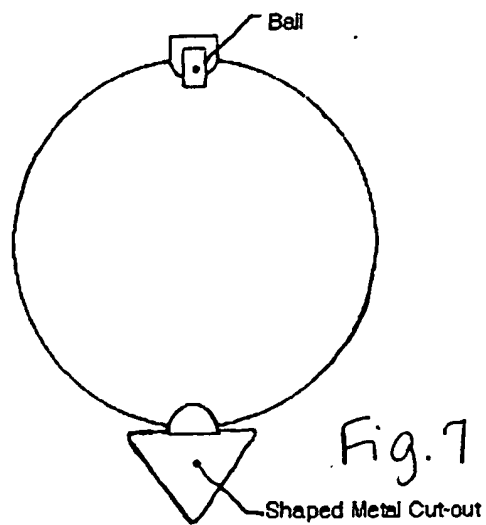


Fig. 7

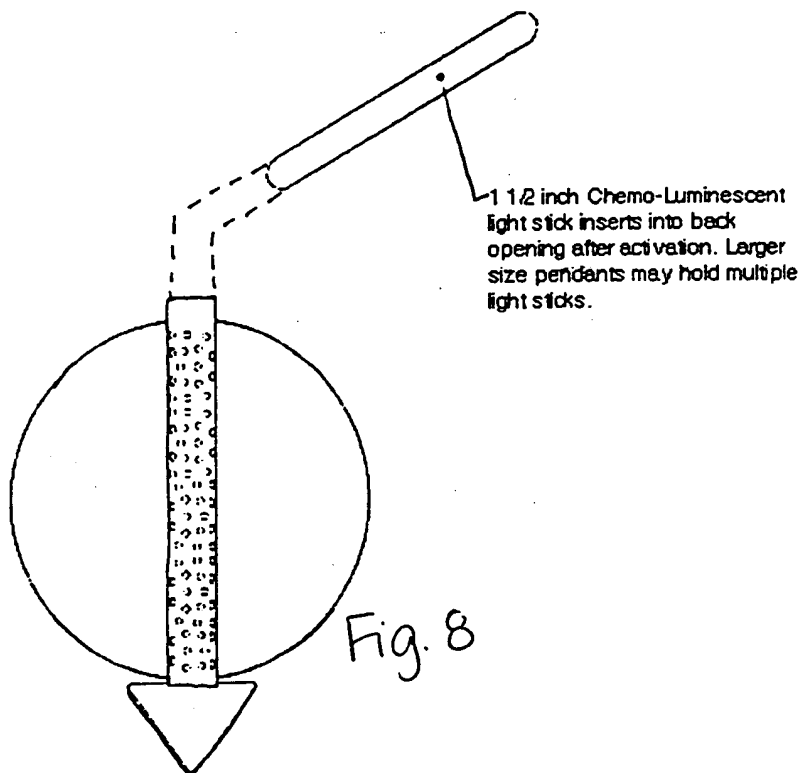


Fig. 8

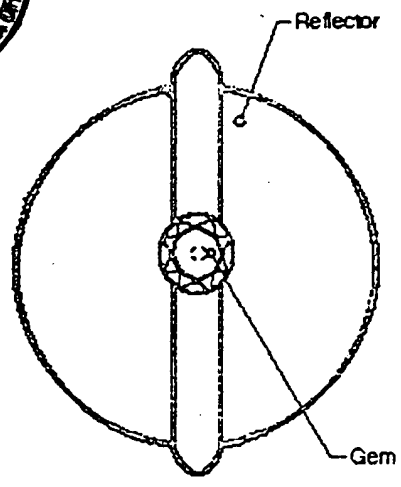


Fig. 9

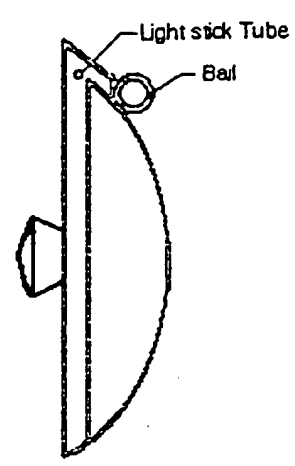


Fig. 10

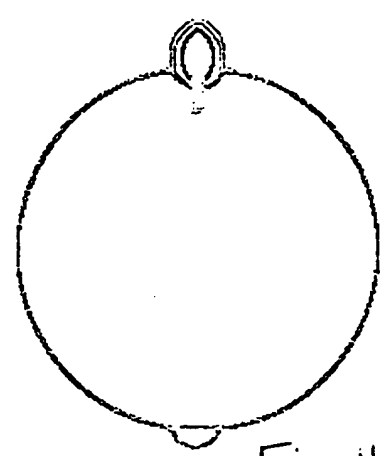
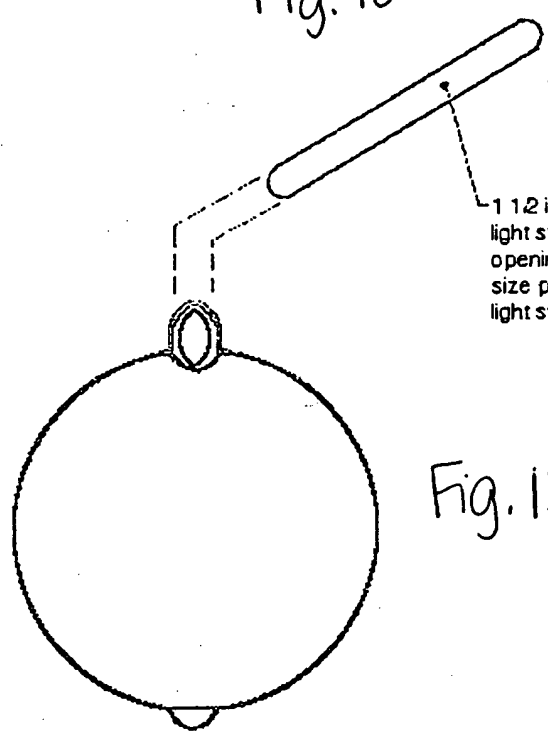


Fig. 11



1 1/2 inch Chemo-Luminescent light stick inserts into back opening after activation. Larger size pendants may hold multiple light sticks.

Fig. 12

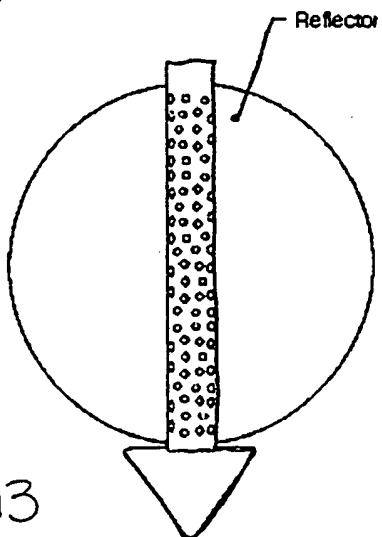


Fig. 13

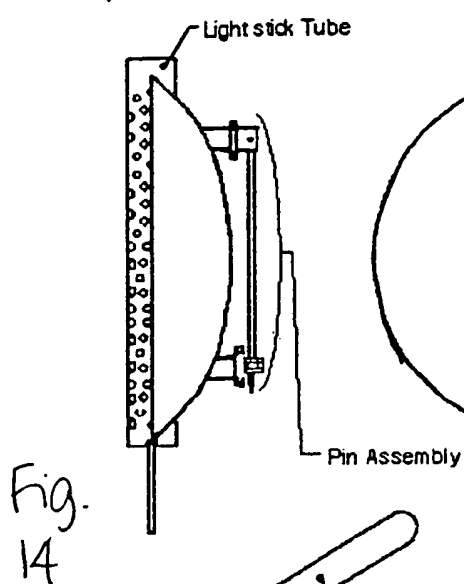


Fig. 14

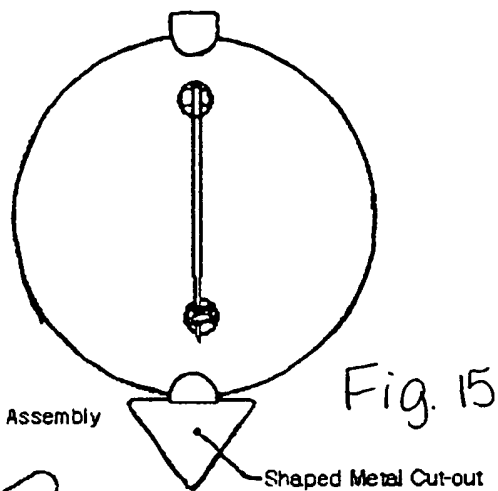


Fig. 15

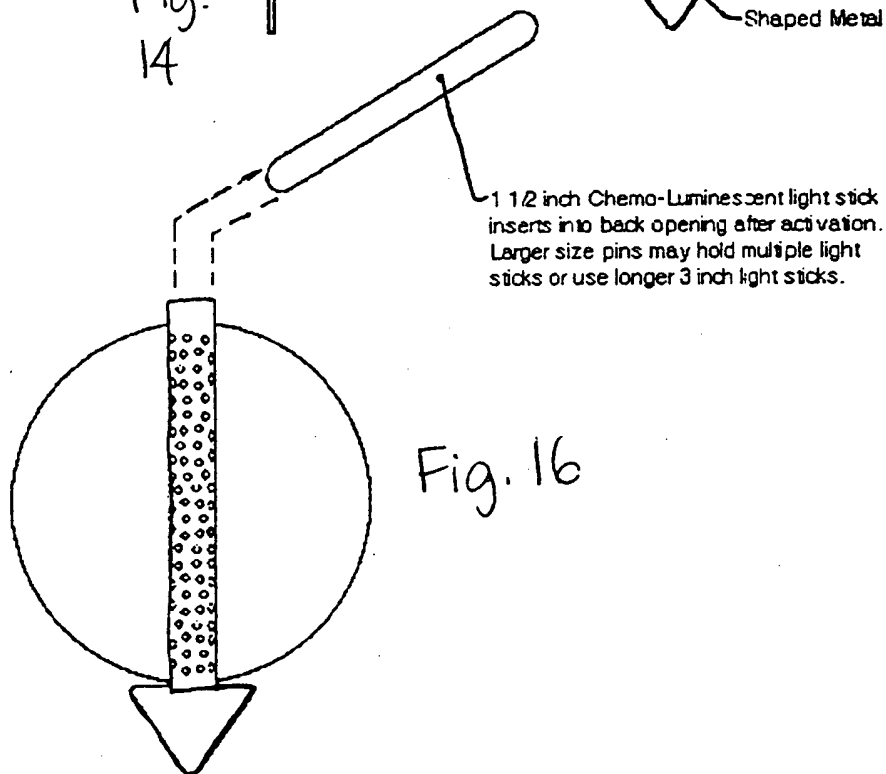


Fig. 16



Fig.  
17

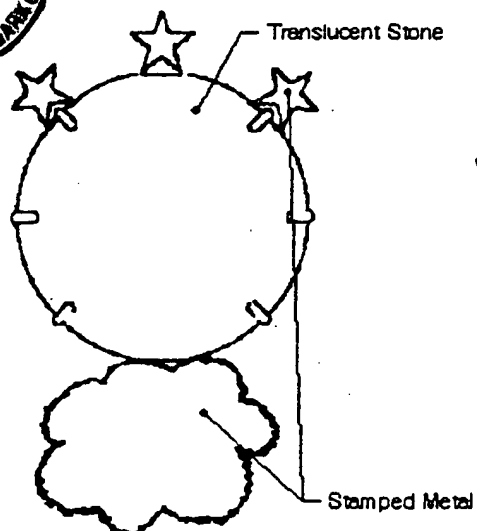


Fig.  
18

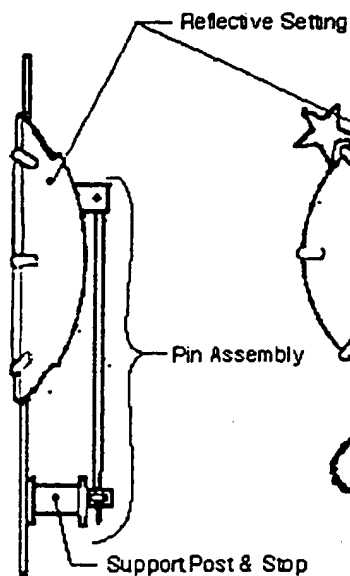


Fig.  
19

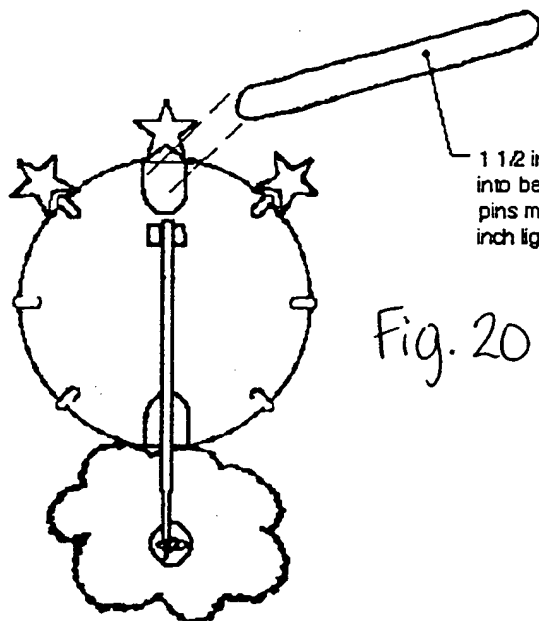
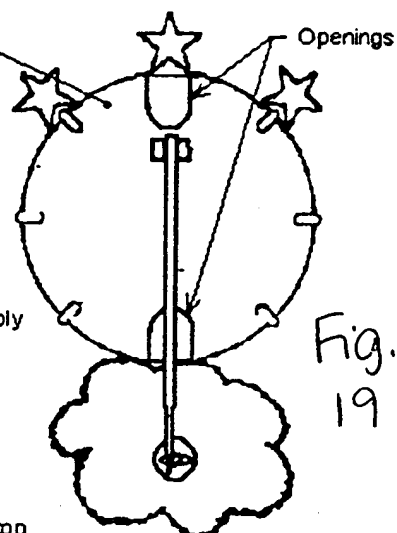
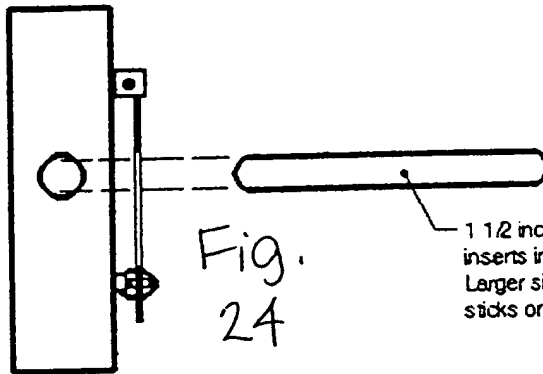
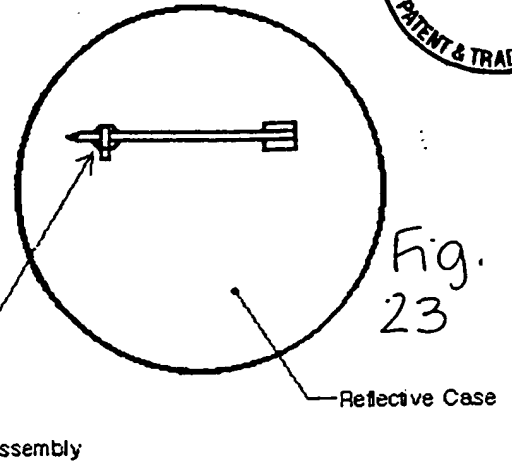
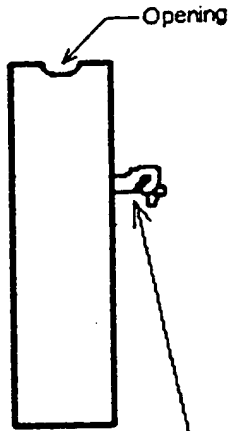
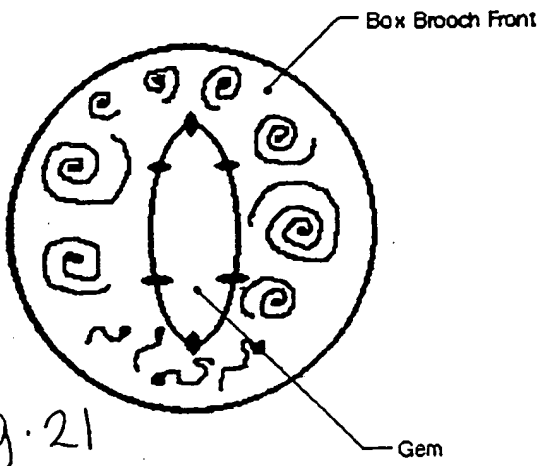


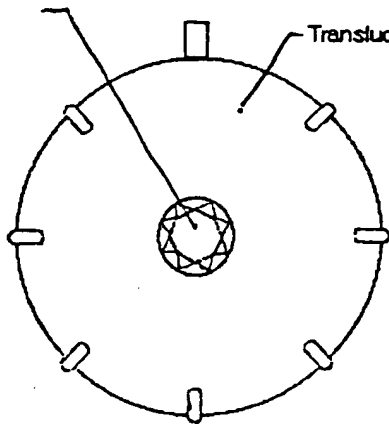
Fig. 20



1 1/2 inch Chemo-Luminescent light stick  
inserts into top opening after activation.  
Larger size pins may hold multiple light  
sticks or use longer 3 inch light sticks.

Clear Stone

Translucent Stone



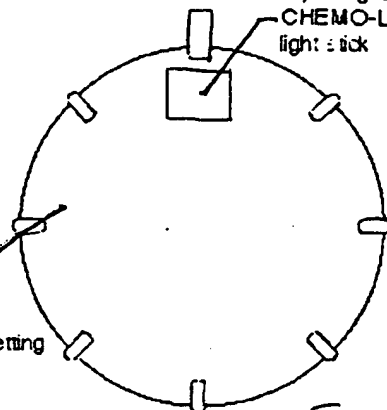
Front View



Reflective Setting

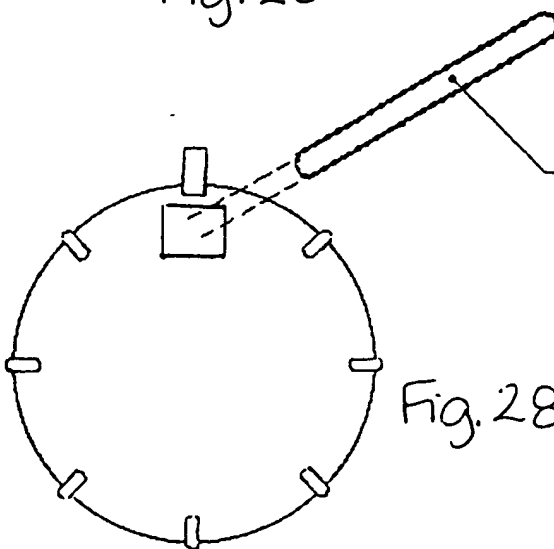
Side View  
Fig. 26

Opening for  
CHEMO-LUMINESCENT  
light stick



Back View

Fig. 27



1 1/2 inch Chemo-Luminescent  
light stick inserts into back  
opening after activation. Larger  
size pendants may hold multiple  
light sticks.

Fig. 28



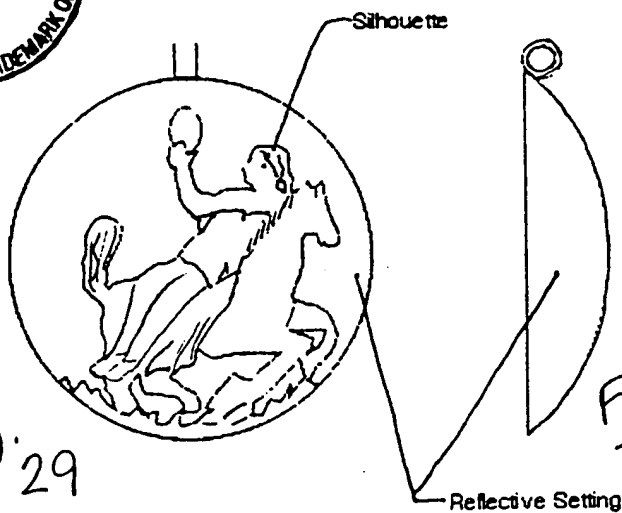


Fig. 29

Fig. 30

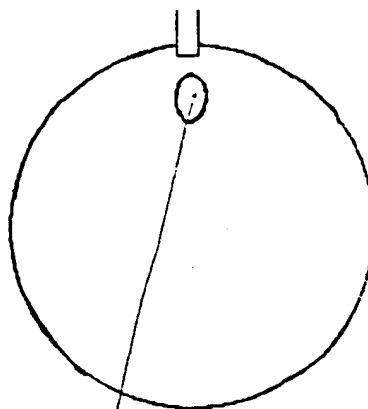


Fig. 31

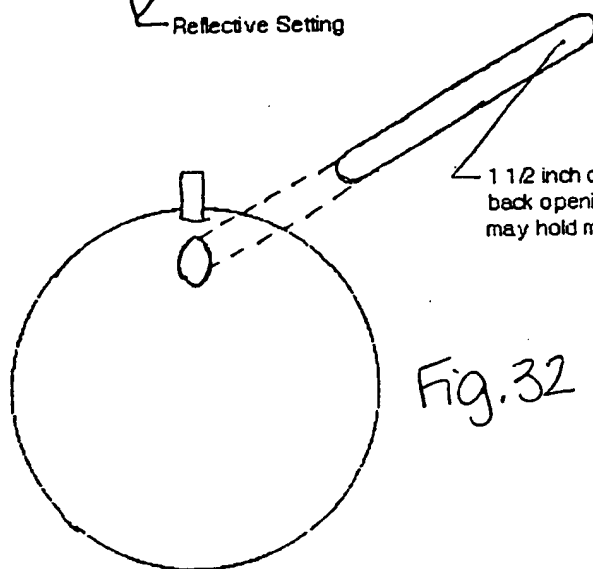


Fig. 32



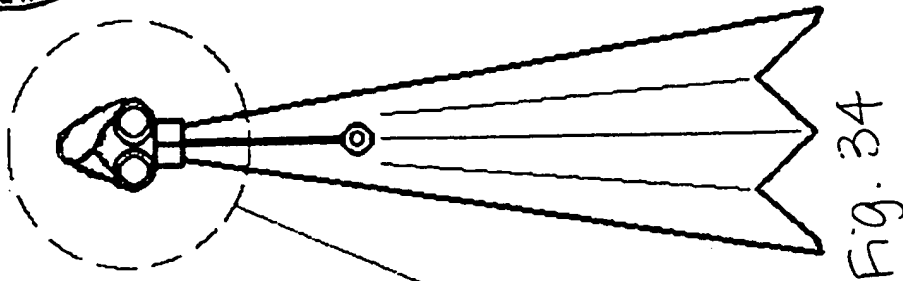


Fig. 34

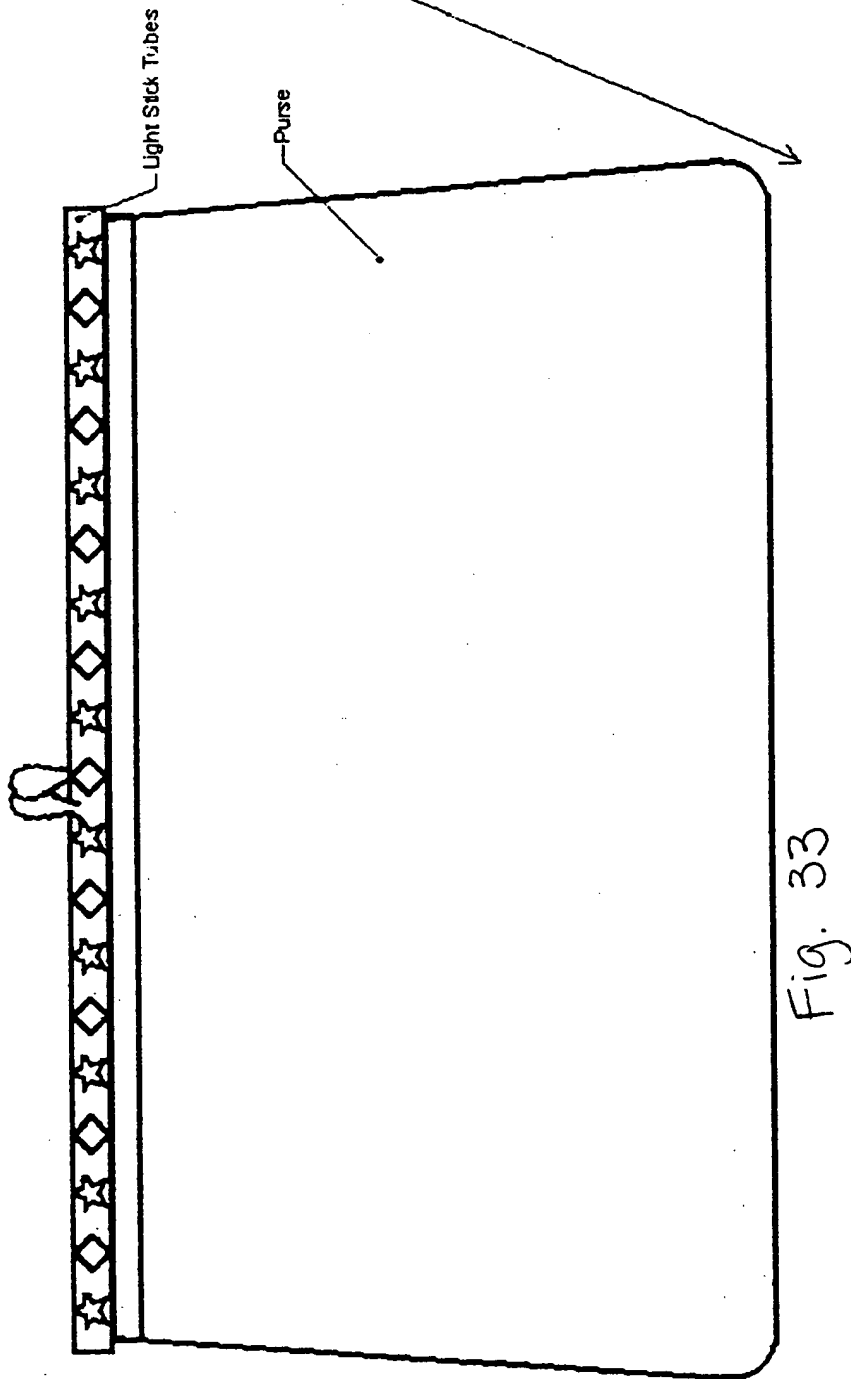


Fig. 33

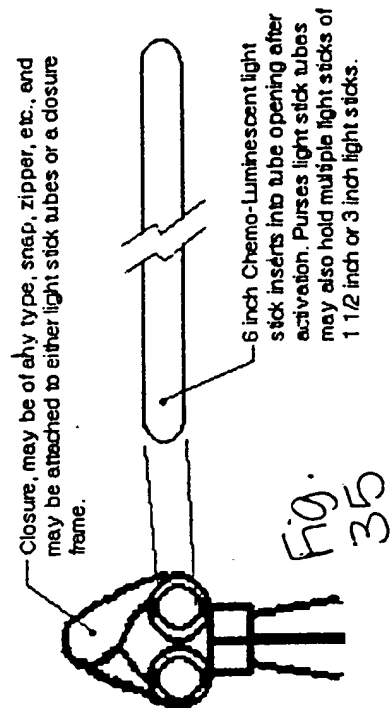


Fig. 35



Fig.  
A.

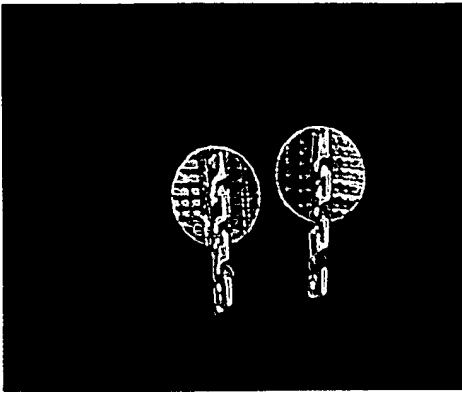


Fig.  
B

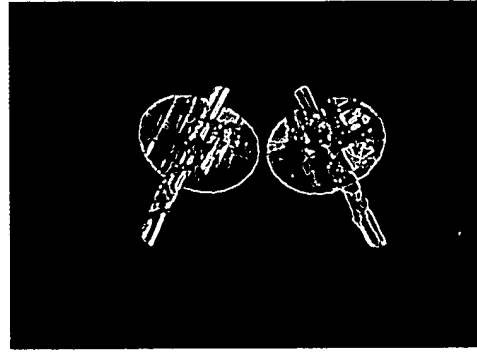


Fig.  
C.

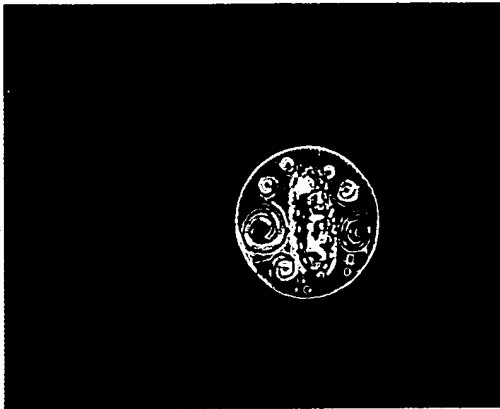


Fig.  
D

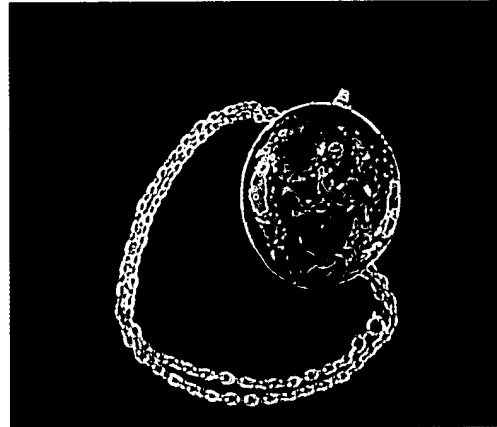


Fig.  
E

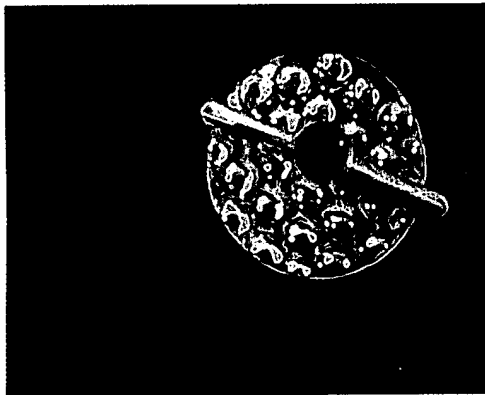


Fig.  
F

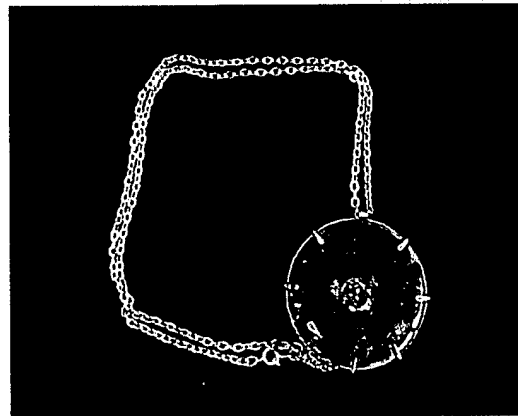


Fig.  
G

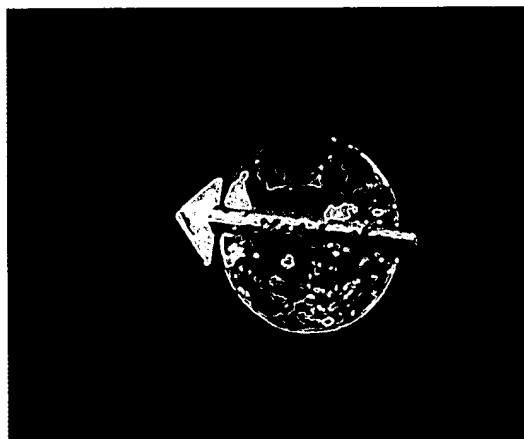


Fig.  
H

